

## **REMARKS**

### **IDS ACKNOWLEDGEMENT**

Regarding the information, namely documents, disclosed in Attachments 1(g) of previously filed IDS of June 8, 2007, the Examiner has indicated consideration of the same on August 20, 2007 by initialing each Attachments 1(g). However, the Examiner has not initialed each item of information disclosed in these Attachments 1(g) and has crossed out all of the Attachments 1(g). It is respectfully requested the Examiner consider and acknowledge consideration by initialing each document disclosed in the Attachments 1(g), because these submitted documents comply with 37 CFR 1.97 which provide the Office must consider such information submitted in an IDS and 37 CFR 1.98. For example, 37 CFR 1.98(a)(1) provides "... or other information submitted for consideration by the Office. U.S. Patents and US patent application publications must be listed in a section separately from citations of other documents."

Further, pursuant to 37 CFR 1.98(a)(2)(iv) the Applicant has submitted a legible copy of all other information listed in the Attachments 1(g) with the IDS of June 8, 2007, as evidenced by the USPTO stamped postcard dated June 8, 2007 (copy attached) by which 17 Additional Documents were submitted with 5 Attachments 1(g) - items D1-D17. Another copy of these documents are provided concurrently with filing of this Amendment for Examiner reference convenience.

Further, the Office Action has not indicated why these Attachments 1(g) were not considered.

Accordingly, consideration and acknowledgement of the Attachments 1(g) of the IDS of June 8, 2007 is respectfully requested.

### **REJECTIONS**

Claims 6, 8-21 and 23-31 are pending.

Claim 10 is rejected under 35 USC 112, second paragraph, for indefiniteness as indicated. According to the foregoing, claim 10 is amended taking into consideration the Examiner comments. Withdrawal of this rejection is respectfully requested.

Claims 8-10 and 14-19 are rejected under 35 USC 103(a) as being unpatentable over newly cited and relied upon Slater (US Patent No. 6,098,093).

Claims 11 and 13 are rejected under 35 USC 103(a) as being unpatentable over Slater in view of Kuroda (US Patent No. 6,470,448).

Claims 6, 12, 20, 21, 23-25, 29 and 31 are rejected under 35 USC 103(a) as being unpatentable over Slater, Kuroda and Husemann (US Publication No. 2001/0037264).

According to the foregoing, the claims are amended. No new matter has been added.

The independent claim is 10, which is rejected as being unpatentable over Slater.

A prima facie case of obviousness cannot be established over Slater, because Slater column 8, lines 1-28, which is relied upon by the Office Action, discusses a typical user entering card information 39 and security information 40, as PIN 60, at a card reader device 64 (FIG. 3), which is then encrypted according to DES and the encrypted card information 39 and security information 40 is forwarded to computer 50. And there is no evidence expressly in Slater, or implicitly in Slater or based upon knowledge of one skilled in the art, that one skilled in the art would modify Slater's encryption of the card information 39 and security information PIN 60 for forwarding the encrypted card information 39 and security information PIN 60, to provide the claimed "a first party mobile device independently of ~~the second and third party~~parties generating a first view of the agreement secured by a key based upon both a first mobile device parameter stored in the mobile device and personal identifying information of the first party as a second mobile device parameter input to the mobile device and transmitting the first view of the agreement to the second party."

In other words, according to the embodiments, the first and second mobile device parameters are used to "secure[d]" a view of the agreement, namely for example "by a key" as clarified by the amendment, which differs from Slater's use of DES to encrypt card information 39 and PIN 60 as alleged first and second parameters and forwarding the encrypted card information 39 and PIN 60. For example, paragraph 487 of the specification supports claim 10. One example benefit of the embodiments of the invention is the first and second parameters are not transmitted, but used to secure a view of the agreement, substantially reducing attacks in a wireless environment, such as reverse engineering intercepted wireless messages to attempt obtaining the parameters.

Further, the benefit of not transmitting the first and second parameters, provides another benefit of avoiding establishing a secured wireless channel which might not be possible in a wireless environment for conducting agreements among parties from a usability perspective,

because it would require pre-arrangement, or in case of SSL, wireless communication would be too slow and/or requires key distribution, management and storage at wireless mobile device, which is not practical from a usability perspective (see paragraphs 239 and 478-479 of the present application). Slater column 6, lines 45-47, relied upon by the Office Action, discusses a public access network or open network, such as the Internet, however, Slater does not mention any wireless network. The claimed embodiments provide a non-obvious combination of "a first party mobile device independently of the second and third ~~party~~parties generating a first view of the agreement secured by a key based upon both a first mobile device parameter stored in the mobile device and personal identifying information of the first party as a second mobile device parameter input to the mobile device and transmitting the first view of the agreement to the second party" and "an open and non-secure wireless network connecting the first party and the second party and transmitting the first view of the agreement from the first party to the second party."

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependencies from the independent claim 10.

It is believed, the claims are now in condition for allowance, which is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
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